

Remarks

In the Office Action dated March 17, 2006, the Examiner objected to claim 10. The Examiner rejected claims 1-6, 8-12, and 14-21 under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,704,015 (Bovarnick). The Examiner rejected claims 7 and 13 under 35 U.S.C. 103(a) as being unpatentable over Bovarnick in view of U.S. Pat. No. 5,581,466 (Van Wyk).

Applicants' Attorney amended claim 10 in response to Examiner's objection. No new matter was added.

With regard to claims 1 and 14, and by Examiner's own admission, Bovarnick fails to disclose, teach, or suggest characterizing the at least one aspect in terms of at least one contributing factor, and characterizing the at least one contributing factor in terms of at least one control factor as each of claims 1 and 14 generally recite. Examiner argues that "the sales criteria is broken into flexibility, knowledge responsiveness and value added services [and that e]ach of these has an impact value associated with it which is equivalent to a control factor as it performs an identical function in substantially the same manner with substantially the same results." (Office Action, pg. 3). For a reference to anticipate, however, the reference must disclose each and every element—not alleged equivalent elements—of the claimed invention. See MPEP 2131 ("The identical invention must be shown in as complete detail as is contained in the ... claim.") Moreover, flexibility, knowledge responsiveness and value added services are not the equivalent of a control factor. Control factors, for example, are "variables that can be controlled . . .," (Pg. 25, lines 12-13), through a manufacturing process.

With regard to claim 1, Bovarnick fails to disclose, teach, or suggest adjusting nominal design values for the at least one control factor such that variability in the at least one contributing factor is minimized and the target value for the at least one aspect is attained. As explained above, Bovarnick lacks control factors. Also, Bovarnick merely indicates that if a control limit is exceeded, "data is corrected or a chart definition is changed." (Col. 28, lines

39-43). The “data” or “chart definition” of Bovarnick are not, in any sense, nominal design values of a variable.

With regard to claims 9 and 20, and by Examiner’s own admission, Bovarnick fails to disclose, teach, or suggest receiving input defining a transfer function characterizing a contributing factor to a product aspect that is critical to customer satisfaction in terms of at least one control factor for the contributing factor as each of claims 9 and 20 generally recite. As explained above, Bovarnick lacks control factors. Also, plotting data “on a graph which contains [an] x and y axis,” (Office Action, pg. 3), does not mean that “the data on this graph would follow the formula $y=f(x)$,” (Office Action, pg. 3). The formula $y=f(x)$ implies that variable y depends on variable x. Examiner’s mere use of the phrase “x and y axis” does create such dependency. Moreover, Bovarnick’s control charts show the variability of a value over time. This variability, however, is not a function of time.

With regard to claims 9 and 20, Examiner fails to explain how Bovarnick receives input defining a nominal design value and a variability value for the at least one control factor as each of claims 9 and 20 generally recite. For a reference to anticipate, the reference must disclose each and every element of the claimed invention.

With regard to claims 9 and 20, Examiner fails to explain how Bovarnick outputs a mean and variability value for the contributing factor based on the transfer function and the nominal and variability values for the at least one control factor as each of claims 9 and 20 generally recite. For a reference to anticipate, the reference must disclose each and every element of the claimed invention.

For at least the above reasons, claims 1, 9, 14, and 20 are patentable.

Claims 2-8, 10-13, 15-19, and 21 depend respectively from claims 1, 9, 14, and 20. For at least the reasons claims 1, 9, 14, and 20 are patentable, claims 2-8, 10-13, 15-19, and 21 are patentable. Claims 2-8, 10-13, 15-19, and 21 include limitations beyond claims 1,

9, 14, and 20 respectively providing further reason that claims 2-8, 10-13, 15-19, and 21 are patentable.


Applicants' Attorney submits that the claims are in a condition for allowance. Applicants' Attorney respectfully requests a notice to that effect. Applicants' Attorney also invites a telephone conference if the Examiner believes that it will advance the prosecution of this application.

Please charge any fees or credit any overpayments as a result of the filing of this paper to Ford Global Technologies LLC Deposit Account No. 06-1510.

Respectfully submitted,

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